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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 **KIM R. HANSEN**
12 **AKA KIM RACHEL HANSEN**
13 **52110 Avenida Obregon**
14 **La Quinta, CA 92253**

15 **Registered Nurse License No. 416659**

16 Respondent.

Case No. 2011-276

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

17 **FINDINGS OF FACT**

18 1. On or about October 1, 2010, Complainant Louise R. Bailey, M.Ed., RN, in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs, filed Accusation No. 2011-276 against Kim R. Hansen, also known as Kim
21 Rachel Hansen (Respondent) before the Board of Registered Nursing. (Accusation attached as
22 Exhibit A.)

23 2. On or about August 31, 1987, the Board of Registered Nursing (Board) issued
24 Registered Nurse License No. 416659 to Respondent. The Registered Nurse License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on July 31,
26 2011, unless renewed.

27 3. On or about October 1, 2010, Respondent was served by Certified and First Class
28 Mail copies of the Accusation No. 2011-276, Statement to Respondent, blank Notice of Defense,

1 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
2 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
3 Code section 2715, and title 16, California Code of Regulations section 1409.1 is required to be
4 reported and maintained with the Board, which was and is: 52110 Avenida Obregon, La Quinta,
5 CA 92253.

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
8 124.

9 5. The aforementioned documents were not returned by the U.S. Postal Service.

10 6. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts
13 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

14 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
15 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-
16 276.

17 8. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at the
19 hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to
20 respondent.

21 9. Pursuant to its authority under Government Code section 11520, the Board finds
22 Respondent is in default. The Board will take action without further hearing and, based on the
23 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
24 as well as taking official notice of all the investigatory reports, exhibits and statements contained
25 therein on file at the Board's offices regarding the allegations contained in Accusation No. 2011-
26 276, finds that the charges and allegations in Accusation No. 2011-276, are separately and
27 severally true and correct by clear and convincing evidence.
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10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$855.00 as of October 21, 2010.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Kim R. Hansen aka Kim Rachel Hansen has subjected her Registered Nurse License No. 416659 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.:

a. Respondent is subject to disciplinary action under Business and Professions Code section 2762(a)(1) in that she exhibited unprofessional conduct for failing to comply with the Board's MAXIMUS Diversion Program as she agreed to do on June 24, 2009.

b. Respondent is subject to disciplinary action under Business and Professions Code section 2762(b) in that she used alcohol to an extent as to be dangerous to herself or others as evidenced by her admissions during her intake assessment at MAXIMUS wherein she admitted to drinking 1 to 2 bottles of wine per day.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 416659, heretofore issued to Respondent Kim R. Hansen aka Kim Rachel Hansen, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 24, 2011.

It is so ORDERED December 22, 2010.



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

70371329.DOC
DOJ Matter ID:SD2010702369

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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3 NICOLE R. COOK
Deputy Attorney General
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Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

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12 Case No. **2011-276**

13 In the Matter of the Accusation Against:

14 **KIM R. HANSEN**
AKA KIM RACHEL HANSEN
15 **52110 Avenida Obregon**
La Quinta, CA 92253

16 **Registered Nurse License No. 416659**

17 **Respondent.**

A C C U S A T I O N

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 2. On or about August 31, 1987, the Board of Registered Nursing issued Registered
25 Nurse License Number 416659 to Kim R. Hansen, also known as Kim Rachel Hansen
26 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
27 the charges brought herein and will expire on July 31, 2011, unless renewed.
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8. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

9. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

• • • •

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

• • • •

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL ALLEGATIONS

11. Respondent self-referred herself to the Board of Registered Nursing's MAXIMUS Diversion Program. Respondent enrolled in MAXIMUS on June 24, 2009. During her intake assessment at MAXIMUS, Respondent admitted that she began using alcohol when she was 21 years old and her use of alcohol continued to escalate thereafter. Respondent admitted to drinking 1 to 2 bottles of wine per day. Respondent admitted that she was an alcoholic and that she drank alcohol on a regular basis over the last fourteen years. Respondent stated that in 1999, when her drinking became out of control, she entered a treatment facility in Newport Beach. However, she stated that she "got very little out of this treatment." Respondent stated that over time, she continued to drink 1 bottle of wine per day and that her consumption of alcohol had

1 gradually increased. Respondent admitted that after suffering high stress situations, her drinking
2 became more excessive and that she consumed about 2 bottles of wine per day. Respondent
3 stated that she tried to stop drinking alcohol on her own, however, she suffered a seizure from
4 withdrawal. After the seizure, Respondent decided to seek "real treatment" and entered the Betty
5 Ford Clinic on May 24, 2009.

6 12. By enrolling in MAXIMUS, Respondent agreed to abstain from the use of alcohol
7 and all other mind-altering drugs, agreed not to return to work until authorized to do so, agreed to
8 submit copies of prescriptions for all prescription medications she was currently taking, agreed to
9 continue with her in-patient Treatment Program at Betty Ford Clinic; agreed to submit a detailed
10 Clinical Assessment and Discharge Summary to MAXIMUS, agreed to attend one 12-step
11 meeting per day upon discharge from Betty Ford, agreed to obtain a sponsor, agreed to attend
12 NSG meetings, agreed to contact CCM/CM weekly once discharged from the Betty Ford Clinic
13 until her DEC Review, agreed to sign a release of information for MAXIMUS and agreed to
14 submit to urine tests to monitor drug and alcohol usage, among other terms.

15 13. On December 10, 2009, Respondent was terminated from MAXIMUS for non-
16 compliance and deemed a public risk. Respondent failed to appear at her DEC meeting on
17 December 10, 2009, failed to sign a release to MAXIMUS for her information at the Betty Ford
18 Clinic, failed to appear or call to cancel her scheduled doctor's appointment on December 10,
19 2009, and could not be contacted by MAXIMUS staff. Respondent also failed to register with
20 FirstLab, the contract company that performs the drug testing, and failed to send in any reports
21 regarding her program requirements.

22 14. On June 22, 2010, a Board investigator was assigned the matter. Despite numerous
23 efforts, the investigator was unsuccessful in her attempts to contact Respondent for an interview.

24 **FIRST CAUSE FOR DISCIPLINE**

25 (Unprofessional Conduct)

26 15. Respondent is subject to disciplinary action under section 2762(a)(1) of the Code in
27 that Respondent exhibited unprofessional conduct, as set forth in paragraphs 11 through 14,
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1 above, which are incorporated herein by reference, for failure to comply with the Board's
2 diversion program as she agreed to do.

3 **SECOND CAUSE FOR DISCIPLINE**

4 (Use of Alcohol in a Manner Dangerous to Self or Others)

5 16. Respondent is subject to disciplinary action under section 2762(b) of the Code in that
6 Respondent used alcohol to an extent as to be dangerous to herself or others, as set forth in
7 paragraphs 11 through 14, above, which are incorporated herein by reference.

8 **PRAYER**

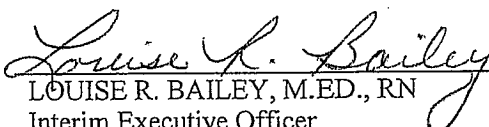
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 416659, issued to Kim R.
12 Hansen, also known as Kim Rachel Hansen;

13 2. Ordering Kim R. Hansen also known as Kim Rachel Hansen to pay the Board of
14 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
15 pursuant to Business and Professions Code section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.

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19 DATED: 10/1/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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